

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Criminal Case No. 07-20411  
HON. GEORGE CARAM STEEH

vs.

ERNEST HAYES,

\_\_\_\_\_ /

ORDER DENYING MOTION FOR REDUCTION OF SENTENCE

On October 14, 2008, defendant Ernest Hayes pleaded guilty by way of a Rule 11 plea agreement to maintaining a drug establishment in violation of 21 U.S.C. § 856(a)(1). On April 30, 2009, defendant was sentenced to 120 months imprisonment. Presently before the court is defendant's motion for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2) and request for appointment of counsel.

This court previously appointed counsel to determine defendant's eligibility for earlier release pursuant to the crack guideline retroactivity amendment. See Dkt. No. 169. On August 25, 2010, appointed counsel filed a notice regarding defendant's eligibility for sentence reduction under 18 U.S.C. § 3582(c)(2). See Dkt. No. 205. Counsel advised the court that defendant is ineligible for a sentence reduction based on his review of defendant's presentence investigation report, the judgment, and United States v. Pembroke, 609 F. 3d 381 (6th Cir. 2010).

Accordingly,

Defendant's motion for reduction in sentence [#224] is DENIED.

SO ORDERED.

Dated: March 28, 2012

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 28, 2012, by electronic and/or ordinary mail and also to Ernest Hayes at FCI Allenwood, P.O. Box 2000, Whitdeer PA 17887-2000.

S/Josephine Chaffee  
Deputy Clerk